

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ROBERT R. OLESON,

Plaintiff,

v.

BUREAU OF PRISONS, et al.,

Defendants.

Civil No. 09-5706 (NLH)

**OPINION**

**HILLMAN, District Judge:**

1. Plaintiff Robert R. Oleson filed an Amended Complaint against several officials at his former facility (FCI Fort Dix in New Jersey), asserting violation of his federal and constitutional rights under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). (ECF No. 102.)

2. On December 21, 2012, this Court dismissed the Amended Complaint, but granted Plaintiff leave to amend certain claims. (ECF Nos. 142, 143.)

3. Specifically, this Court dismissed the following claims with prejudice for failure to state a claim upon which relief may be granted: Eighth Amendment claim of deliberate indifference to need for a transfer to receive rehabilitation and enroll in a training program; First Amendment retaliation

claim based on deletion of names from visiting list;  
constitutional claims based on failure to delete or correct  
information in central file; Fourth Amendment and Fourteenth  
Amendment Due Process claims based on property seizure;  
constitutional claims based on failure to transfer Plaintiff to  
a different unit where the unit team is located on the ground  
floor; constitutional claim based on failure to provide  
administrative remedy forms; Eighth Amendment failure to protect  
claims; claim based on failure to provide paid inmate companion;  
and constitutional claims based on verbal threats and  
harassment. (ECF Nos. 142, 143.)

4. This Court dismissed the following claims without  
prejudice to the filing of an amended complaint: Eighth  
Amendment and/or Americans With Disabilities Act ("ADA") claim  
based on failure to provide a new wheelchair and new  
prescription eyeglasses. (ECF No. 142, 143.)

5. On February 18, 2013, Plaintiff signed and presumably  
handed to prison officials for mailing to this Court his final  
Amended Complaint. (ECF No. 146.) The Amended Complaint with  
attachments consists of 45 pages.

6. The Amended Complaint does not comply with this Court's  
Order (ECF No. 143) granting leave to amend as it resurrects the  
allegations and claims this Court dismissed with prejudice, in

addition to attempting to assert the medical claims on which leave to amend was granted.

7. This Court will strike the Amended Complaint for failure to comply with the Order granting leave to amend. This Court will grant Plaintiff a final opportunity to file an amended complaint which states a cognizable Eighth Amendment and/or Americans With Disabilities Act claim based on failure to provide a new wheelchair and prescription eyeglasses.

8. An appropriate Order accompanies this Opinion.

s/ Noel L. Hillman  
**NOEL L. HILLMAN, U.S.D.J.**

Dated: July 16, 2013

At Camden, New Jersey